

Patent Docket P1003R1C1D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of Robert Akita et al. Serial No.: 09/825,584 Filed: April 4, 2001 For: ISOLATED NUCLEIC ACIDS, VECTORS AND HOST CELLS ENCODING ErbB3 ANTIBODIES (AS AMENDED)	Group Art Unit: 1642 Examiner: Christopher H. Yaen OFFICIAL GROUP 1600 Certificate of Facsimile Transmission Under 37 CFR 1.101 In accordance with 37 CFR 1.101(d), this correspondence addressed to The Patent and Trademark Office, Washington, DC 20231 is being transmitted to facsimile No. (703) 309-4242. July 26, 2002 Anna Kan Anna Kan
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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

IN THE CLAIMS:

Please cancel claims 1-21 without prejudice or disclaimer.

REMARKS

Responsive to the restriction requirement mailed 7/2/2002, Applicants elect Group IV claims (claims 22-37, 40-41, 44-45, and 48-49) with traverse. Applicants submit that the Group V claims (claims 38-39, 42-43, 46-47 and 50-51) should be examined together with the elected Group IV claims since the Group V claims depend on the Group IV claims, and it is customary for the PTO to examine the nucleic acid, vector and host cell claims together with method claims concerning recombinant production of the polypeptide encoded by the nucleic acid. Such an examination would not impose an undue burden on the Office.

Applicants have canceled the claims from Groups I-III without prejudice.

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DATE: July 26, 2002

Please deliver the following Response to Restriction Requirement to:

NAME: Examiner Christopher H. Yaen, Group Art 1642

U.S. Patent and Trademark office

Washington, DC 20231

Fax No.: (703) 308-4242

FROM: Wendy M. Lee

Registration No.: 40,378

RE: U.S. Serial No.: 09/825,584

Our Docket No.: P1003R1C1D1

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